

REMARKS

The Examiner rejects claims 1 – 31 under 35 U.S.C. §102 as being anticipated by any of three different references. Specifically, the Examiner asserts that DuMont (US5331760), Raven (US5164987), and Kumar (WO01/06344) each anticipate independent claims 1, 13, 16, and 25. Applicants respectfully disagree and offer the following remarks in response.

Apparatus claim 1 claims a mobile device having a housing and a speaker disposed within the housing. In addition, the claimed mobile device of each independent apparatus claim includes a combined attachment and acoustic port configured to project audible sound from the speaker. The claimed port is disposed on the housing and includes an attachment member for attaching an external member to the mobile device. By combining an acoustic port and an attachment member into a single combined element, the claimed mobile device efficiently utilizes available space. Apparatus claims 16 and 25 also claim a mobile device with a combined attachment and acoustic port. Method claim 13 is a method claim corresponding to apparatus claims 1, 16, and 25.

To properly construe the claimed invention, the Examiner must apply the correct definition of the word “port” to the claims. Page 5, lines 16 – 17 define “port” as an opening or recess in the housing. Merriam-Webster defines “port” as an opening or hole. Therefore, according to the ordinary meaning and according to the definition provided by the specification, the term “port” as used in the claims must be construed to mean an opening or recess in the housing.

Contrary to the Examiner’s assertions, DuMont does not teach or suggest a mobile device having a combined attachment and acoustic port. Instead, DuMont describes a fishing lure comprising a speaker disposed within a water tight housing. As shown in Figure 1 and described in col. 3, ll. 23 – 27, the speaker projects sound through the housing wall. Because the housing is water tight (col. 2, ll. 36 – 38), nothing in DuMont teaches or suggests that the

housing includes any kind of opening. Therefore, DuMont's housing does not include a port. In fact, because the fishing lure must be water tight, DuMont expressly teaches away from including a port in the housing. Further, because DuMont teaches that the sound from the speaker travels through the housing wall, DuMont does not teach or suggest that sound from the speaker is projected through a port. In addition, nothing in DuMont teaches or suggests that the attachment member disposed on the housing near the speaker is part of any type of port or acoustic output, much less part of a combined attachment and acoustic port. For at least these reasons, DuMont does not anticipate independent claims 1, 13, 16, and 25.

Raven also does not teach or suggest the claimed combined attachment and acoustic port. Instead, Raven describes a pair of glasses having a fabric ear flap hanging from each temple piece of the glasses. Each ear flap holds a speaker. Nothing in Raven teaches or suggests including an opening, recess, or other port in the ear flap. In addition, nothing in Raven teaches or suggests including an attachment member as part of any kind of acoustic output path, much less as part of a combine attachment and acoustic port. Instead, Raven explicitly illustrates and describes an attachment member disposed remotely from the speaker area (see element 16 in Figure 1). As such, even if Raven included an acoustic port near the speaker, Raven does not describe the claimed combined attachment and acoustic port. For at least these reasons, Raven does not anticipate independent claims 1, 13, 16, and 25.

Lastly, Kumar does not teach or suggest the claimed combined attachment and acoustic port. Instead, Kumar describes a removable handset for a mobile device, wherein the handset includes a speaker that projects sound from a speaker port. The handset further includes an ear loop disposed proximate the speaker port that enables a user to wear the handset on an ear. First, nothing in Kumar supports the Examiner's position that the ear loop is part of the speaker port. Instead, Kumar simply teaches that the ear loop is secured to the handset and positioned around the speaker port. As such, while Kumar describes a speaker port and an ear

loop, noting in Kumar teaches or suggests the claimed combined attachment and acoustic port. Further, the ear loop described by Kumar is strictly used to secure the handset to a user's ear. Nothing in Kumar describes using the ear loop to attach an external member, such as a lanyard to the mobile device. As such, Kumar does not teach or suggest the claimed attachment member. For at least these reasons, Kumar does not anticipate independent claims 1, 13, 16, and 25.

In light of the above remarks, Applicants submit that the cited art does not anticipate independent claims 1, 13, 16, and 25. As such, the cited art necessarily does not anticipate dependent claims 2 – 12, 14, 15, 17 – 24, and 26 – 31.

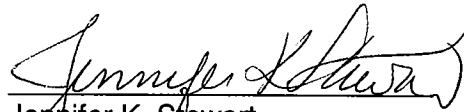
Further, Applicants submit that nothing in the cited art teaches or suggests that the attachment member comprises a support bar disposed in a combined attachment and acoustic port, as required by independent claim 16 and dependent claims 2 – 5, 14, 26, and 27. In fact, DuMont does not include any ports and only teaches an attachment member disposed on the housing. Raven at best teaches a sleeve that secures the ear flap to temple pieces of glasses. As shown in the Raven Figures, the sleeve is no where near the speaker, and therefore, cannot be considered to be part of any type of acoustic output region. Lastly, Kumar only illustrates an ear loop disposed around the speaker port. Nothing in Kumar describes or illustrates that the ear flap is a support bar disposed in the acoustic port. For at least these reasons, independent claim 16 is patentably distinct from the cited art, and at least dependent claims 2 – 5, 14, 26, and 27 add further patentable limitations to the invention of independent claims 1, 13, and 25.

The above remarks detail the differences between the cited art and the claimed invention. Applicants remind the Examiner that an anticipating reference must teach each and every element of the claimed invention arranged in the same manner as claimed. *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984). Because neither DuMont nor Raven nor Kumar teach or suggest each and every element of the

invention of independent claims 1, 13, 16, and 25 in the same manner as claimed, none of these references anticipate the claims. Applicants therefore respectfully request reconsideration from the Examiner. Should any issues remain, Applicants request that the Examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

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